SENATE JOURNAL 62ND LEGISLATURE FORTY-SEVENTH LEGISLATIVE DAY

Helena, Montana March 2, 2011 Senate Chambers State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman):

3/2/2011

HB 44, be concurred in. Report adopted.

HB 57, be concurred in. Report adopted.

HB 84, be concurred in. Report adopted.

MOTIONS

Senator Brenden moved to reconsider action on **SB 303**, and that **SB 303** be placed on third reading the next day. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President. Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy. Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Murphy moved **HB 341**, **HB 342**, and **HB 464** be moved from the Judiciary committee to the Business, Labor, and Economic Affairs committee. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Balyeat moved **HB 265** be moved from the Business, Labor, and Economic Affairs committee to the Highways and Transportation committee. Without objection, so ordered.

Senator Kaufmann moved **SB 251** be moved from the Committee of the Whole to the Highways and Transportation committee. Without objection, so ordered.

Senator Jones moved that **SB 381** be re-referred back to the Agriculture, Livestock and Irrigation committee. Without objection, so ordered. (**SB 381** was already in Agriculture, Livestock and Irrigation committee. Motion had no effect.)

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 166, introduced by Esp, referred to Agriculture, Livestock and Irrigation.

HB 271, introduced by Kerns, Hinkle, Harris, Vance, Miller, Howard, Randall, Ingraham, Wagner, Wittich, Yates, Kennedy, Hale, Skees, Flynn, Hendrick, Blyton, Blasdel, Taylor, C. Smith, Regier, Warburton, G. Bennett, Hansen, Loney, Read, McGillvray, Knox, O'Neil, Greef, Brodehl, McNiven, Salomon, K. Peterson, Skattum, Vincent, referred to Judiciary.

HB 291, introduced by Sesso, Wilmer, Noonan, Hiner, Driscoll, Malek, F. Smith, Furey, Yates, Swanson, Hands, Pease-Lopez, Belcourt, Sands, Menahan, McChesney, Reinhart, Keane, McClafferty, referred to Energy and Telecommunications.

HB 334, introduced by Reichner, G. Bennett, Buttrey, Taylor, J. Peterson, O'Hara, Zinke, Ingraham, McGillvray, Clark, Milburn, Sonju, Connell, Arntzen, Rosendale, Hendrick, Cook, Hoven, Hansen, Burnett, O'Neil, Hale, Hollandsworth, Klock, Howard, Evans, Kerns, Olson, Vance, Bangerter, Beck, Warburton, More, Harris, Welborn, Read, Berry, Small, Steinbeisser, Roberts, Ripley, Regier, Balyeat, Jackson, Blyton, Miller, Skattum, Blasdel, McNiven, Brodehl, Ankney, Salomon, Osmundson, Randall, Ehli, C. Smith, Skees, Wagner, Stahl, Greef, Flynn, Walker, Cuffe, Yates, Tutvedt, Washburn, McNutt, Knudsen, Edmunds, Kary, Lavin, MacLaren, Knox, Gibson, referred to Business, Labor, and Economic Affairs.

HB 344, introduced by Gibson, referred to State Administration.

HB 380, introduced by Blasdel, McChesney, Olson, Belcourt, referred to Local Government.

HB 391, introduced by Berry, referred to Local Government.

HB 403, introduced by MacLaren, referred to Local Government.

HB 405, introduced by Taylor, Tutvedt, MacLaren, referred to Business, Labor, and Economic Affairs.

HB 430, introduced by Loney, Wittich, O'Hara, Wilmer, Price, Kary, Harris, Skattum, referred to Agriculture, Livestock and Irrigation.

HB 431, introduced by Regier, Blasdel, Taylor, C. Smith, Sands, referred to State Administration.

- **HB 432**, introduced by Berry, referred to Business, Labor, and Economic Affairs.
- **HB 446**, introduced by Hill, referred to Judiciary.
- **HB 456**, introduced by C. Smith, Wittich, Hale, Essmann, McGillvray, Stahl, Blasdel, Howard, Milburn, Taylor, Loney, Warburton, Edmunds, G. Bennett, Skees, Cuffe, Harris, K. Peterson, More, Knox, Osmundson, Vance, Berry, Blyton, Ingraham, Wagner, Read, Kary, O'Hara, Randall, referred to Judiciary.
- **HB 457**, introduced by Noonan, Hunter, Wilmer, Price, McClafferty, Furey, K. Williams, Hands, Sands, Court, Reinhart, F. Smith, Boland, Pease-Lopez, Mehlhoff, Sesso, McNally, Schmidt, McChesney, Dick Barrett, MacDonald, Belcourt, B. Bennett, Hollenbaugh, Hiner, Hill, Malek, Driscoll, Squires, Swanson, referred to Judiciary.
- HB 469, introduced by Clark, referred to Agriculture, Livestock and Irrigation.
- **HB 479**, introduced by Small, Ankney, Berry, Olson, McGillvray, Milburn, J. Peterson, Essmann, referred to Energy and Telecommunications.
- **HB 481**, introduced by Belcourt, Brenden, Ripley, referred to Natural Resources.
- **HB 483**, introduced by Howard, referred to State Administration.
- HB 484, introduced by Squires, referred to State Administration.
- HB 487, introduced by Clark, referred to Business, Labor, and Economic Affairs.
- HB 489, introduced by O'Neil, Kennedy, Knox, referred to State Administration.
- **HB 491**, introduced by Cuffe, Blasdel, Hollandsworth, Roberts, Hollenbaugh, Hiner, O'Neil, Ehli, Skees, Small, Evans, Greef, Belcourt, Brodehl, McChesney, F. Smith, Sesso, Flynn, referred to State Administration.
- HB 494, introduced by Edmunds, referred to Local Government.
- HB 497, introduced by Clark, referred to Natural Resources.
- HB 508, introduced by McNally, McNiven, referred to Business, Labor, and Economic Affairs.
- **HB 516**, introduced by Hansen, referred to Local Government.
- **HB 517**, introduced by McNutt, referred to Highways and Transportation.
- **HB 522**, introduced by Kary, Skees, Rosendale, Ehli, Loney, Edmunds, Reichner, Read, referred to Local Government.
- **HB 525**, introduced by McNiven, Cook, O'Hara, Evans, Lavin, Ehli, O'Neil, Welborn, referred to Business, Labor, and Economic Affairs.
- **HB 526**, introduced by Edmunds, C. Smith, More, G. Bennett, Kerns, Arntzen, McGillvray, referred to Public Health, Welfare and Safety.
- **HB 528**, introduced by F. Smith, J. Peterson, Belcourt, Moore, Loney, G. Bennett, Brown, Hendrick, MacDonald, Milburn, Read, referred to State Administration.
- HB 530, introduced by Washburn, referred to State Administration.
- HB 531, introduced by Fitzpatrick, referred to Business, Labor, and Economic Affairs.
- HB 535, introduced by Knudsen, K. Peterson, referred to Business, Labor, and Economic Affairs.
- HB 536, introduced by Flynn, referred to Fish and Game.
- HB 538, introduced by K. Peterson, O'Hara, referred to Local Government.
- **HB 541**, introduced by Welborn, referred to Agriculture, Livestock and Irrigation.
- HB 542, introduced by Esp, referred to Local Government.
- **HB 543**, introduced by Fitzpatrick, referred to State Administration.
- HB 544, introduced by More, referred to Judiciary.
- HB 547, introduced by K. Peterson, referred to Business, Labor, and Economic Affairs.

HB 548, introduced by Bangerter, Menahan, Hansen, referred to Judiciary.

HB 550, introduced by Read, More, Harris, Kennedy, Knox, Arntzen, Burnett, Klock, Beck, Roberts, G. Bennett, Howard, Wagner, Hollandsworth, C. Smith, Miller, O'Neil, Kerns, Blyton, Warburton, Hale, Skattum, Skees, Regier, Lavin, Rosendale, Randall, Osmundson, McNiven, Edmunds, referred to Energy and Telecommunications.

HB 552, introduced by Hale, Skees, Roberts, Brodehl, Read, referred to Local Government.

HB 555, introduced by Fitzpatrick, referred to Business, Labor, and Economic Affairs.

HB 559, introduced by Esp, referred to Public Health, Welfare and Safety.

HB 563, introduced by Arntzen, referred to Business, Labor, and Economic Affairs.

HB 566, introduced by Yates, referred to Fish and Game.

HB 573, introduced by Hunter, referred to Public Health, Welfare and Safety.

HB 575, introduced by Hansen, referred to Local Government.

HB 584, introduced by Mehlhoff, F. Smith, Hiner, Hendrick, Malek, Miller, Read, Boland, McClafferty, Belcourt, O'Hara, Ankney, Kary, Hollandsworth, McChesney, Edmunds, referred to Highways and Transportation.

HB 593, introduced by Ankney, referred to Energy and Telecommunications.

HB 594, introduced by Sesso, Ankney, Stahl, Murphy, Olson, Furey, Moss, Zinke, Hamlett, MacDonald, Small, B. Bennett, Erickson, Wanzenried, Blewett, McChesney, Lavin, Larsen, Jones, referred to Highways and Transportation.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 14, introduced by More, referred to Judiciary.

HJR 17, introduced by Stahl, referred to Highways and Transportation.

HJR 19, introduced by Furey, Larsen, Wilmer, F. Smith, Schmidt, Erickson, Howard, Jent, Hunter, MacDonald, Belcourt, Phillips, Hawks, Swanson, K. Williams, Hands, Cook, Noonan, Dick Barrett, Yates, J. Peterson, Price, McClafferty, McChesney, Malek, Boland, Vuckovich, Hollenbaugh, McNally, Stahl, Brodehl, Mehlhoff, B. Bennett, Hiner, Hoven, Windy Boy, Blyton, Squires, Hill, Hendrick, Ankney, Skattum, Small, Milburn, Menahan, Hollandsworth, Driscoll, Cuffe, Pease-Lopez, O'Neil, Osmundson, Flynn, Hutton, Branae, Moss, Clark, McNutt, Lewis, Knudsen, Gallus, Hamlett, Ripley, More, Zinke, Brenden, Klock, Murphy, Ehli, Blasdel, Knox, Kerns, Loney, Lavin, G. Bennett, Harris, Skees, Evans, Reichner, Taylor, Ingraham, McGillvray, Greef, Warburton, Shockley, Esp, Read, Roberts, Gibson, Connell, referred to State Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Walker in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 1 - Senator Tutvedt moved SB 1 do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson,

Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Mr. President.

Total 44

Nays: Blewett, Hinkle, Sonju, Van Dyk, Wittich, Zinke.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 219 - Senator Branae moved SB 219 do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 46

Nays: Balyeat, Sonju, Steinbeisser, Vincent.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 283 - Senator Essmann moved SB 283 do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President. Total 50

Navs: None.

Total 0

Absent or not voting: None.

Excused: None.

Total 0

HB 19 - Senator Murphy moved **HB 19** be concurred in.

HB 19 - Senator Murphy moved **HB 19**, second reading copy, be amended as follows:

1. Page 2, following line 12.

Insert:

"COORDINATION SECTION. Section 2. Coordination instruction. (1) If House Bill No. 161 is passed and approved, then [this act] is void.

(2) If House Bill No. 175 is passed by the electorate in 2012, then [this act] is void on [the effective date of House Bill No. 175].

Renumber: subsequent section

Amendment adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President. Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 19 - Senator Murphy moved **HB 19**, as amended, be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President. Total 50

Nays: None.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 74 - Senator Gillan moved **HB 74** be concurred in. Motion carried as follows: Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President. Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 132 - Senator Arthun moved HB 132 be concurred in. Motion carried as follows: Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Nays: Hinkle, Moore, Ripley, Shockley.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 182 - Senator Buttrey moved **HB 182** be concurred in. Motion carried as follows: Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President. Total 46

Nays: Balyeat, Priest, Sonju, Wittich.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 204 - Senator Ripley moved **HB 204** be concurred in. Motion carried as follows: Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President. Total 50

Nays: None. Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 208 - Senator Zinke moved HB 208 be concurred in. Motion carried as follows: Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President. Total 40

Nays: Blewett, Caferro, Erickson, Essmann, Facey, Hinkle, Kaufmann, Tropila, Van Dyk, Wittich.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

HB 294 - Senator Brown moved **HB 294** be concurred in. Motion carried as follows: Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President. Total 49

Nays: Kaufmann.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Walker moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: Blewett.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SPECIAL ORDERS OF THE DAY

Senator Brown introduced the pages for the week of March 1-5, 2011.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Thursday, March 3, 2011. Motion carried.

Senate adjourned at 2:07 p.m.

MARILYN MILLER Secretary of the Senate JIM PETERSON President of the Senate